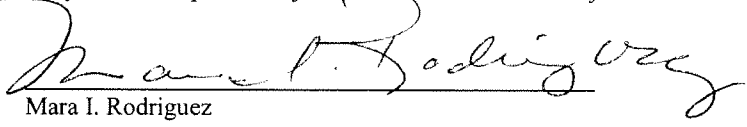


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**REQUEST FOR CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

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*I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office on January 31, 2008 at or before 11:59 p.m. Pacific Time under the Rules of 37 CFR § 1.8.*

  
Mara I. Rodriguez

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Application Number : 10/660,453 Confirmation No. 4926  
Filing Date : September 11, 2003  
Inventor(s) : Lutz Biedermann, et al.  
Title : SPACE KEEPER FOR VERTEBRAE OR INTERVERTEBRAL DISKS  
Group Art Unit : 3738  
Examiner Name : David H. Willse  
Docket No. : 58780/B884 Date: January 31, 2008

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**MAIL TO: Mail Stop RCE**

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

This application is **not** an application of the kind specified in 37 CFR § 1.114(e).

**1. THE STATUS OF THE APPLICATION IS AS FOLLOWS:**

- a. ☒ Pending (no review proceedings active)
- (1) ☒ An Action was mailed by the Office on October 31, 2007, as to which no appeal under 37 CFR § 1.191 has been filed and  
\_\_\_\_\_ a response under 37 CFR § 1.116 was mailed on  
\_\_\_\_\_ via Express Mail  
\_\_\_\_\_ with certificate of mailing under 37 CFR § 1.8  
☒ that Action was a Final Rejection, the finality of which is to be withdrawn by this Request  
\_\_\_\_\_ an appeal or civil action under 35 U.S.C. 141,145 or 146 has been terminated
- (2) \_\_\_\_\_ Allowed: the Notice of Allowance was mailed by the Office on  
\_\_\_\_\_ the Issue Fee has not been paid  
\_\_\_\_\_ the Issue Fee has been paid **and** a petition under 37 CFR § 1.313 was granted on
- b. \_\_\_\_\_ Pending (with review proceeding active)

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**REQUEST FOR CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

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**Application No. 10/660,453**

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An appeal under 37 CFR § 1.191 has been filed. **Applicant(s) hereby withdraw that appeal and request reopening of the prosecution of the application.**

**2. SUBMISSION(S) REQUIRED (check at least one)**

**a. Previously submitted**

- ☐ Consider the amendments/reply under 37 CFR § 1.116 previously filed on  
☐ Consider the arguments in the Appeal or Reply Brief previously filed on  
☐ Other:

**b. Enclosed**

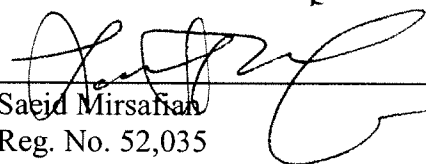
- ☒ Amendment/Reply  
☐ Affidavit(s)/Declaration(s)  
☐ Information Disclosure Statement  
☐ Documents under 37 CFR § 1.48  
☐ Petition for Extension of Time  
☐ Other:

The Examiner is requested to telephone the undersigned promptly following receipt and initial review of the application in light of the Submissions(s) for the conduct of, or the scheduling of, a telephone interview in the application.

Please direct all correspondence to **CUSTOMER NUMBER 23363**. Direct telephone calls to 626/795-9900, **CHRISTIE, PARKER & HALE, LLP, P.O. Box 7068, Pasadena, CA 91109-7068**.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By   
Saeid Mirsafi  
Reg. No. 52,035  
626/795-9900

SM/mr

**REQUEST FOR CONTINUED EXAMINATION (RCE)  
FEE CALCULATION SHEET**

**Application No. 10/660,453**

| <b>PART I — BASIC FEE</b> |                          |                          |          |
|---------------------------|--------------------------|--------------------------|----------|
| BASIC FEE                 | Small Entity<br>\$405.00 | Large Entity<br>\$810.00 | \$810.00 |

| <b>PART II — ADDITIONAL CLAIMS (compared to application before RCE)</b>   |   |   |                           |                      |                      |        |
|---|---|---|---------------------------|----------------------|----------------------|--------|
|   | Claims<br>Remaining<br>After<br>Amendment | Highest<br>Number<br>Previously<br>Paid For | Number<br>Extra<br>Claims | Small<br>Entity Rate | Large<br>Entity Rate | FEE    |
| Total<br>Claims   | 13  | *20   | 0                         | x \$25.00            | 00 x \$50.00         | .00    |
| Independent<br>Claims   | 2   | **3   | 0                         | x \$105.00           | 00 x<br>\$210.00     | .00    |
| First Presentation of Multiple Dependent Claim  |   |   |                           | \$185.00             | \$370.00             | .00    |
| TOTAL CLAIMS FEE  |   |   |                           |                      |                      | \$0.00 |
| List Independent Claims: 1, 12  |   |   |                           |                      |                      |        |
| * IF THE "HIGHEST NUMBER OF TOTAL CLAIMS PREVIOUSLY PAID FOR" IS LESS THAN 20, WRITE "20" IN THIS SPACE.<br>** IF THE HIGHEST NUMBER PREVIOUSLY PAID FOR IS 3 OR LESS, WRITE "3" IN THIS SPACE. |   |   |                           |                      |                      |        |

1. FEES *(The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.)*
  - a. Amount (total from Fee Calculation Sheet)  
Commissioner is hereby authorized to charge Deposit Account 03-1728 in the amount of \$810.00 to cover the fees listed on the Fee Calculation Sheet above.
  - b.   X   The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required for this transaction to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account 03-1728.

MIR IRV1111800.1-\*01/31/08 10:20 AM